THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION No. 117 of 2006

Dated: 10-04-2006

Between:

P.Krishna Kumari

..... PETITIONER

AND

Agent to the Government cum District

Collector, Visakhapatnam and three others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION No. 117 of 2006

O R D E R:

The petitioner claims to be the owner of 150 square yards situated at Paderu,

Visakhapatnam District, which was notified as a scheduled area. It is alleged that the third respondent-Project Officer, ITDA, Paderu dispossessed the petitioner in violation of the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by 1 of 1970. In the circumstances, the petitioner filed LTR.No.55 of 2003 on the file of the second respondent-Agency Divisional Officer and Special Deputy Collector, Paderu seeking eviction of the third respondent and for restoration of the property since the petitioner is a tribal and legal heir of the original owner. The second respondent after due enquiry, by order dated 07-01-2004 disposed of the LTR.No.55 of 2003 directing the third respondent to vacate the scheduled land and to induct the petitioner in possession. Aggrieved by the same, the third respondent preferred an appeal before the first respondent. By order dated 18-07-2004, the first respondent passed an *ex parte* order staying the operation of the order of the second respondent dated
07-01-2004. The only grievance of the petitioner is that having stayed the operation of the order in LTR.No.55 of 2003, the first respondent is not proceeding with the appeal and the delay in disposal of the appeal has resulted in grave hardship to him.

On behalf of the respondents, the first respondent filed a counter affidavit from which it is clear that the appeal is pending before the first respondent and as per the orders of the Government in G.O.Ms.No.193 dated 17-04-2002 the powers have been delegated in favour of the third respondent to conduct enquiry.

Having regard to the facts and circumstances of the case and having heard the learned counsel for both the parties, without expressing any opinion on merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI,J

Dated:10-04-2006

KLP